

In the
UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRAND ENGAGEMENT NETWORK, INC,

Plaintiff,

v.

RALPH WRIGHT BREWER III, *et. al.*,

Defendants.

And as to:

Maurice Fitzpatrick, Jr.,
Listed Party / Movant.

Civil Action No. 3:25-CV-00114-S

NOTICE OF APPEAL

TO THE CLERK OF THE COURT:

Notice is hereby given that Maurice Fitzpatrick, Jr., an individual listed on the docket as a party in this case and having repeatedly sought leave to intervene and assert his standing as a true plaintiff party in interest, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the following orders of the District Court and Magistrate David L. Horan, entered on December 11, 2025:

1. Doc. No. 88 – Docket Control Order (striking and unfileing Document Nos. 86 and 87 and instructing the Clerk of Court to strike and unfile any further filings submitted by Fitzpatrick);

2. All related December 11, 2025, orders (Doc. Nos. 89–92) which further proceed with the litigation on the basis of a narrowed and unexamined record, despite the unresolved jurisdictional challenges and objections raised by Fitzpatrick regarding party status, standing, civil rights violations, and ongoing fraud on the court; and
3. Fitzpatrick continues to challenge the following:
 - a. The denial of his Motion to Intervene (Dkt. No. 21);
 - b. Improper nullification of FRCP Rule 24(a) intervention;
 - c. Interference with appellate rights;
 - d. The grant of Defendants’ Motions to Remand (Dkt. Nos. 40 and 41);
 - e. The striking and unfile of all filings made by Fitzpatrick on the docket, as ordered in Dkt. No. 62, which impairs the completeness of the appellate record under Federal Rules of Appellate Procedure (FRAP) Rule 10(a) and violates Appellant’s right to meaningful appellate review;
 - f. The failure of the district court to address or acknowledge Appellant’s objections to the Magistrate’s Findings and Recommendations (Dkt. No. 58), including objections rooted in newly issued controlling authority from the Supreme Court in *Medical Marijuana, Inc. v. Horn*, 604 U.S. ____ (2025); and
 - g. The striking and unfile of the following docket entries, many of which included judicially cognizable filings, whistleblower disclosures, responses to remand, and notices of legal authority, in violation of FRAP 10(a) and Appellant’s due process rights:

Dkt. Nos. 22, 28, 30, 32, 33, 34, 35, 35-1, 36, 36-1, 36-2, 36-3, 37, 37-1, 37-2, 39, 39-1, 39-2, 39-3, 39-4, 39-5, 43, 46, 46-1, 46-2, 47, 48, 49, 50, 50-1, 51, 51-1, 60, 61, 61-1.

This appeal is taken on the grounds that:

1. This appeal is taken pursuant to 28 U.S.C. § 1291, which authorizes appeal of final decisions of the district courts, and under the authority of *Rotstain v. Mendez*, 986

F.3d 931 (5th Cir. 2021), which holds that a denial of intervention as of right under FRCP Rule 24(a) constitutes a final, appealable order;

2. The District Court has entered one or more orders materially affecting the rights, standing, and legal posture of the undersigned, who remains listed on the docket as “Defendant Maurice Fitzpatrick, Jr.” and has been attempting since November 2024 to intervene, assert standing, and challenge the legitimacy and jurisdiction of the underlying proceedings;
3. The orders deprive the undersigned of access to the court, deny due process, and conflict with the constitutional and statutory protections afforded to whistleblowers and pro se litigants raising claims of fraud on the court and retaliatory litigation abuse; and
4. The orders continue a demonstrable pattern of procedural suppression, impropriety, bias, unwarranted and unlawful exclusion that was previously raised in appellate proceedings and administrative complaints, and which materially affect the integrity of the record and proceedings in this case.

Fitzpatrick further reserves the right to seek supplementation of the appellate record under FRAP Rule 10(e) and to raise constitutional objections regarding the deprivation of due process and suppression of whistleblower-protected disclosures.

Respectfully submitted,

/s/ Maurice Fitzpatrick
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CERTIFICATE OF SERVICE

Defendant Fitzpatrick hereby certifies that a copy of the foregoing, *Notice of Appeal*, was served upon the attorneys of record of all parties to the above cause through the Court's CM/ECF e-filing system on December 11, 2025.

/s/ Maurice Fitzpatrick
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